

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.7758 OF 1996

ORAL ORDER:

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This writ petition is filed seeking a declaration that the proceedings initiated by the respondents under the Land Acquisition Act, 1894 (for short "the Act"), in respect of Ac.3.06 cents; 0.50 cents and 0.50 cents situated in Sy.No.533/3 at Palamaner, Chittoor district, belonging to the petitioners as arbitrary and illegal.

It is pleaded that pursuant to the notification under Section 4(1) of the Act dated 21.1.1993 though objections were invited from the land-owners under Section 5A of the Act, no further steps were up taken and even the declaration under Section 6 of the Act was not published. It is stated that as a matter of fact, the petitioners are all small farmers and even the land in question is not necessary for any public purpose. Accordingly, they submitted their objections and they were under the impression that the entire proceedings were dropped. However, when the respondents attempted to dispossess the petitioners, this writ petition was filed on 2.6.1996 alleging that the entire action of the respondents is arbitrary and illegal.

Though no counter affidavit is filed, the learned Government Pleader under instructions submitted that it is not correct to say that the proceedings, pursuant to the notification, dated 21.1.1993 were dropped. The learned Government Pleader also stated that the declaration under Section 6 of the Act was published on 28.8.1993 and, thereafter, after due enquiry, award was passed on 18.9.1995, and the compensation to which the petitioners are entitled to was kept in Revenue deposit, since the petitioners refused to receive the same in spite of notice under Section 12(2) of the Act.

In the circumstances, the allegations made by the petitioners cannot be accepted and the writ of *mandamus* as prayed for cannot be issued.

Accordingly, the writ petition is dismissed. No costs.

However, this shall not preclude the petitioners to receive the compensation awarded and to take appropriate steps in accordance with law for enhancement of compensation, if so advised.

(G. ROHINI).

14th February, 2007.
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THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.7758 OF 1996

114th February, 2007.

Between:

Kummara Govinda Chetty and others. .. Petitioners.

And

The District Collector, Chittoor and another. ..
Respondents.